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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 00 CR 20030
VS. : JUDGE MINALDI
ALBERT LANDRY MOUTON : MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER


IT IS ORDERED that the defendant's Motion for Clarification of his sentence [doc. 578] IS DENIED.

On December 19, 2000, the defendant was sentenced to 150 months to run concurrently with the state sentence that he was then serving. In the computation of this federal sentence, the court must decide when the federal sentence begins and to what extent the defendant can receive credit for time served in state custody. *Chambers v. Holland*, 920 F.Supp. 618, 621 (M.D. Pa.), aff'd 100 F.3d 946 (3rd Cir. 1996). This determination is governed by 18 U.S.C. §3585(a). When a federal sentence is imposed upon a defendant in state custody, the federal sentence begins to run when the Attorney General agrees to designate the state facility for service of the federal sentence. The earliest date a federal sentence can begin is the date on which it is imposed. This concurrent sentence would begin to run on the date of the federal judgment, no earlier.

If the defendant believes that he is not being given credit for time served, his remedy is to

exhaust all administrative remedies and then to file a §2255 motion.

Lake Charles, Louisiana, this 6 day of January, 2006.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE